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CHIEF CLERK'S OFFICE

CENTRAL ILLINOIS PUBLIC SERVICE)
COMPANY, d/b/a AmerenCIPS,)
)
Complainant,)
)
vs.)
)
COLES-MOULTRIE ELECTRIC)
COOPERATIVE, INC., properly known as)
Coles-Moultrie Electric Cooperative,)
)
Respondent.)

Docket No. 03-0723

ANSWER OF COLES-MOULTRIE ELECTRIC COOPERATIVE
TO THE COMPLAINT OF CENTRAL ILLINOIS PUBLIC SERVICE COMPANY,
d/b/a AMERENCIPS

COLES-MOULTRIE ELECTRIC COOPERATIVE, INC. properly known as Coles-Moultrie Electric Cooperative, (CMEC) by its attorneys, GROSBOLL, BECKER, TICE & REIF, Jerry Tice of counsel, in answer to the Complaint filed herein by CENTRAL ILLINOIS PUBLIC SERVICE COMPANY, d/b/a AMERENCIPS (CIPS) states as follows:

Answer to Allegations Common to All Counts

1. CMEC admits the allegations of Paragraph 1 of the Common Counts of the Complaint.
2. CMEC admits the allegations of Paragraph 2 of the Common Counts of the Complaint.
3. CMEC is without sufficient information to either admit or deny the allegations of Paragraph 3 of the Common Counts of the Complaint and therefore denies the same and demands strict proof thereof. CMEC further states that CIPS alleges that it possesses an

Ordinance from the City of Charleston authorizing CIPS to utilize the public streets and ways for the providing of electric service within the City of Charleston, Illinois. CMEC submits that the property described in the notice provided by CMEC pertains to the "Coles Centre Business Park" which is adjacent to or annexed to the City of Mattoon, Illinois. CMEC further states that CIPS has failed to attach to its Complaint or to allege that it has any Ordinance authorizing CIPS to maintain facilities in the public streets and ways of the City of Mattoon, Illinois and to the extent CIPS possesses such authority from the City of Mattoon, Illinois, the terms and conditions of such Ordinance speak for such Ordinance instead of the aforesaid allegations by CIPS as to the terms and conditions of any such Ordinance. CMEC further states that authority granted by the City of Charleston, Illinois, to CIPS to utilize the public streets and ways of such city is irrelevant to the issues in this docket.

4. CMEC admits the allegations of Paragraph 4 of the Common Counts of the Complaint and further states that CMEC has been granted by the City of Mattoon, Illinois by Ordinance No. 84-4451 dated January 17, 1984 the authority to place the facilities of CMEC in the public streets and ways of the City of Mattoon, Illinois for the purpose of providing electric service to customer's of CMEC located within the corporate boundaries of the City of Mattoon, Illinois and that a copy of Ordinance No. 84-4451 dated January 17, 1984 for a period of time through the 6th day of March, 2006 is attached as Respondent's Exhibit 1 to CMEC's Answer to the CIPS Complaint filed in the above docket. CMEC further states that any authority granted by the City of Charleston, Illinois, to CIPS to utilize the public streets and ways of such city is not relevant to any issue in this docket.

Answer to Count I
Invalidity of Purported Section 7 Notice

1-4. CMEC re-alleges its answers to Paragraphs 1- 4 of the Common Counts as the Answer of CMEC to Paragraphs 1- 4 of Count I of the Complaint.

5. CMEC admits that it delivered a notice to CIPS of the intent of CMEC to provide electric service to the commercial business park called "Coles Centre Business Park" located in the southwest quadrant of the intersection of Illinois Route 16 and Lerna Road in Section 16 and Section 21, Township 12 North, Range 8 East of the Third P.M., Coles County, Illinois which notice was dated October 31, 2003 and a true copy of which is attached to the CIPS Complaint in this cause. CMEC further states that such notice was given CIPS as a result of a request to provide a written proposal for electric service from Agracel, Inc. for the aforesaid "Coles Centre Business Park" with construction to begin in the second quarter of 2004.

6. CMEC denies the allegations of Paragraph 6 of Count I of the Complaint.

7. CMEC admits that Section 7 of the ESA pertains to the providing of written notice of the proposed construction or extension of existing lines to a new customer or premises for the purpose of furnishing service thereto, but denies the remaining allegations of Paragraph 7 of Count I of the Complaint.

8. Paragraph 8 of Count I of the Complaint fails to allege any facts, but rather constitutes an interpretation of Section 7 of the ESA and therefore there are no facts alleged therein to which CMEC is required to either admit or deny. CMEC further states that Section 7 of the ESA requires CMEC to provide notice of the "proposed construction, extension or service" to an electric supplier which would be adversely affected. Notwithstanding the same, CMEC denies each and every allegation of fact claimed by CIPS to be alleged in Paragraph 8

of Count I of the Complaint.

9. Paragraph 9 of Count I of the Complaint constitutes argument and interpretation of the law by CIPS and fails to allege any facts therein to which CMEC can either admit or deny. Notwithstanding the same, CMEC denies any factual allegations claimed to be set forth by CIPS in Paragraph 9 of Count I of the Complaint.

10. CMEC denies the allegations of Paragraph 10 of the Complaint.

WHEREFORE, Coles-Moultrie Electric Cooperative, Inc. requests the Illinois Commerce Commission to deny the prayer of Count I of the Complaint filed in the above docket.

Answer to Count II
Invalid Notice — Failure to Specify Corporate Boundaries

1-10. CMEC re-alleges its answers to Paragraphs 1- 10 of Count I of the Complaint as and for its answers to Paragraphs 1- 10 of Count II of the Complaint.

11. CMEC denies the allegations of Paragraph 11 of Count II of the Complaint and further states that the notice provided by CMEC to CIPS provides the description of the customer's property to which the proposal for service was requested. CMEC further states that Section 7 does not require a Section 7 notice to specify the customer's service connection point.

12. CMEC is without sufficient information to either admit or deny the allegations of Paragraph 12 of Count II of the Complaint or to otherwise determine whether some or all of the "Coles Centre Business Park" development area is situated within the boundaries of the City of Charleston, Illinois and therefore denies the allegations of Paragraph 12 of the Complaint and requires strict proof thereof. CMEC further states that any claim of annexation

of "Coles Centre Business Park" to the City of Charleston, Illinois, is not relevant to the issues in this docket.

13. The allegations of Paragraph 13 of Count II of the Complaint constitute arguments and interpretation of the ESA and therefore do not allege any facts to which CMEC can either admit or deny. Notwithstanding the same, CMEC denies any factual allegations claimed by CIPS to be set forth in Paragraph 13 of Count II of the Complaint.

14. The allegations of Paragraph 14 of Count II of the Complaint constitute arguments and interpretation of the ESA and therefore do not allege any facts to which CMEC can either admit or deny. Notwithstanding the same, CMEC denies any factual allegations claimed by CIPS to be set forth in Paragraph 14 of Count II of the Complaint.

WHEREFORE, Coles-Moultrie Electric Cooperative, Inc. requests the Illinois Commerce Commission to deny the prayer of Count II of the Complaint filed in the above docket.

Answer to Count III
Exclusive Right to Serve/Section 5 ESA

1-5. CMEC re-alleges Paragraphs 1-5 of its answers to Count I of the Complaint as and for its answers to Paragraphs 1-5 of Count III of the Complaint.

6. CMEC denies the allegations of Paragraph 6 of Count III of the Complaint.

7. CMEC denies the allegations of Paragraph 7 of Count III of the Complaint.

8. CMEC denies the allegations of Paragraph 8 of Count III of the Complaint.

WHEREFORE, Coles-Moultrie Electric Cooperative, Inc. requests the Illinois Commerce Commission to deny the prayer of Count III of the Complaint filed in the above docket.

Answer to Count IV
Exclusive Right to Serve — Customer Choice

1-5. CMEC re-alleges its answers to Paragraphs 1- 5 of Count I as and for its answers to Paragraphs 1 - 5 of Count IV of the Complaint.

6. CMEC admits that it possesses a franchise issued by the City of Mattoon, Illinois to utilize the public streets and ways of the City of Mattoon for furnishing electric service to CMEC customers situated within the corporate limits of the City of Mattoon. CMEC is without sufficient information to either admit or deny the existence of such authority issued by the City of Charleston or by the City of Mattoon to CIPS and as to any of the other remaining allegations of Paragraph 6 of Count IV and therefore denies the same. CMEC further states that authority granted by the City of Charleston, Illinois, to CIPS to utilize the public streets and ways of such city is irrelevant to the issues in this docket.

7. CMEC admits the allegations of Paragraph 7 of Count IV of the Complaint.

8. Paragraph 8 of Count IV of the Complaint by CIPS constitutes argument and citation of authority without any factual allegations therein and therefore there are no facts to which CMEC can either admit or deny. To the extent Paragraph 8 is claimed by CIPS to contain factual allegations, CMEC denies the same.

9. CMEC denies the allegations of Paragraph 9 of Count IV of the Complaint.

WHEREFORE, Coles-Moultrie Electric Cooperative requests the Illinois Commerce Commission to deny the prayer of the Complaint by Central Illinois Public Service Company d/b/a AmerenCIPS and to dismiss the same.

COLES-MOULTRIE ELECTRIC
COOPERATIVE, Respondent.

By: GROSBOLL, BECKER, TICE & REIF

By: *Jimmy Tice*
One of Its Attorneys

VERIFICATION

State of Illinois)
 : SS
County of Coles)

M.L. Christman, being duly sworn upon his oath, deposes and states that he is the Manager of Coles-Moultrie Electric Cooperative and that he has read the above foregoing Answer to the Complaint under the Electric Supplier Act filed in the above cause by him subscribed and that the same is true in substance and in fact except as to those matters which are stated to be on information and belief and as to such matters he certifies as aforesaid that he verily believes the same to be true.

M.L. Christman
M.L. Christman, Manager

Subscribed and sworn to before me

this 10 day of February, 2004.

Steven G. Underwood
Notary Public

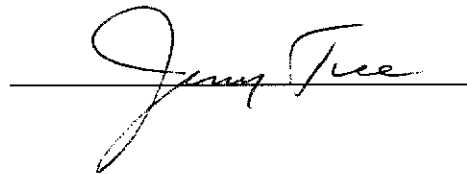


PROOF OF SERVICE

I, JERRY TICE, hereby certify that on the 17th day of February, 2004, I deposited in the United States mail at the post office at Petersburg, Illinois, postage fully paid, a copy of the document attached hereto and incorporated herein, addressed to the following persons at the addresses set opposite their names:

Scott Helmholz
Sorling, Northrup, Hanna, Cullen
& Cochran Ltd
Suite 800 Ill Bldg.
P.O. Box 5131
Springfield, IL 62705

Claudia Sainsot
Hearing Examiner
Illinois Commerce Commission
State of Illinois Building
160 North LaSalle
Suite C-800
Chicago, IL 60601

A handwritten signature in cursive script, reading "Jerry Tice", is written over a horizontal line.